

**TOWN BOARD MEETING  
APRIL 09, 2011**

Supervisor Pagones opened the regular town board meeting at 10:00am, town hall, 807 Route 52, Fishkill, NY and led the audience with the “Pledge of Allegiance”.

Present: Supervisor Joan A. Pagones; Town Board members – Brian Callahan, Steve Ferguson, Robert LaColla, Heather Malvarosa; Town Attorney – Ronald Blass; Town Engineer – John Andrews; Pamela Garnot – Supervisor’s Assistant; Don Williams – Police Chief; James A. Foy – Receiver of Taxes; Paul Gromkowski – Housing Director; John Darcy – Housing Assistant; Residents – Azem Albra; Kurt Buck; Tom Adams; Tony Curry; Dennis Zack; Steve Ciaccio; William Murnane; Robert Principe; and Town Clerk – Darlene Bellis

**PUBLIC HEARING(S)**

**Fishkill Woods Lighting District**

Supervisor Pagones read (**copy attached to original minutes**) the public hearing notice for the establishment of Fishkill Woods Lighting District. Public hearing opened at 10:00am

John Andrews commented the following:

Fishkill Woods is proposed to be a town lighting district; the lighting district will be a Central Hudson Rate A which is totally company owned, maintained and operated fixtures; only members of the Fishkill Woods Development will fund on yearly tax bill; in year one the average cost per unit will be about \$93.00/year

Hearing no comment from the public, a **Motion was** made by Councilwoman Malvarosa **to close the public hearing. Seconded** by Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

**PRIVILEGE OF THE FLOOR FOR AGENDA ITEMS**

**Motion** made by Councilwoman Malvarosa **to go into the privilege of the floor for agenda items. Seconded** by Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

Hearing no comment from the public a **Motion was** made by Councilman LaColla **to go back into the regular order of business. Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

**ANNOUNCEMENT(S)**

**Armed Robbery Arrest**

Supervisor Pagones read (**copy attached to original minutes**) a memo from Police Chief – Donald Williams regarding an armed robbery arrest.

Supervisor Pagones asked the officers to step forward while Don Williams, Police Chief stated that the officers did an efficient job and made a good arrest.

Supervisor Pagones thanked the police officers and stated they are truly the first responders and again thanked the officers for a job well done.

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**APPROVAL OF MINUTE(S)**

**Motion** made by Councilman Ferguson **to approve the minutes of November 06, 2010; December 15, 2010; December 29, 2010; January 05, 2011; February 05, 2011; March 09, 2011 as submitted by the town clerk. Seconded** by Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

**MOTION(s) TO APPROVE/ADOPT**

Establishment Fishkill Woods Lighting District

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving the establishment of a lighting district to be known as the Fishkill Woods Lighting District.

**Motion** made by Supervisor Pagones **to approve the formation of the Fishkill Woods Lighting District. Seconded** by Councilman Ferguson

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Authorization to bid – Message Center Sign

Supervisor Pagones read (**copy attached to original minutes**) an e-mail from Town Engineer – John Andrews requesting authorization to solicit sealed bids to furnish and install a Message Center Sign for the recreation center.

**Motion** made by Councilman Ferguson **to authorize the town engineer to solicit sealed bids to furnish and install a message center sign for the recreation center. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Authorize Kyle Barnett to settle consent order & judgment – Lordi, Inc.

Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing Kyle Barnett, Esq., the supervisor, and the assessor to execute settlement on attached consent order and judgment for tax assessment rolls instituted by Lordi, Inc. for tax years 2006, 2007, 2008, 2009, and 2010.

**Motion** made by Councilman LaColla **to authorize said individuals to execute said consent order and judgment for tax assessment rolls instituted by Lordi, Inc. for tax years 2006, 2007, 2008, 2009, and 2010. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

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Authorize Kyle Barnett settle consent judgment – Fishkill Route 52, LLC  
Supervisor Pagones read (**copy attached to original minutes**) a resolution authorizing Kyle Barnett, Esq., the supervisor, and the assessor to execute settlement on attached consent judgment for tax assessment rolls instituted by Fishkill Route 52, LLC for tax years 2007, 2008, 2009, and 2010.

**Motion** made by Councilman LaColla **to authorize said individuals to execute said consent judgment for tax assessment rolls instituted by Fishkill Route 52, LLC for tax years 2007, 2008, 2009, and 2010.**

**Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

2011 YDDP project: TFPD Juvenile Aid Officer - \$2,889

**Motion** made by Councilman Ferguson **to make application of the NYSOCFS for the 2011 YDDP Project: TFPD Juvenile Aid Office in the amount of \$2,889. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Accept Justice Court Grant in amount of \$22,063 and approve said work

**Motion** made by Councilman Ferguson **to accept the amount of \$22,063 in grant money that was awarded to the Justice Court for the bench, wall and jury box upgrade. Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

(copy of paperwork attached to original minutes)

Special Event Public Assembly requests

Supervisor Pagones read (**copy attached to original minutes**) the three special event public assemblies requests submitted by Steve VanBuren, Fire Inspector.

**Motion** made by Councilman Ferguson **to approve the Hudson Valley Fair, and the Cole Brothers Circus special events and fire works after the Hudson Valley Fair as requested per Steve VanBuren.**

**Seconded** by Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

**Motion** made by Councilman Ferguson **to approve the K-Fest special events as requested per Steve VanBuren. Seconded** by Councilman Callahan

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

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### Recommendation to donate outdated radios to Mt. Beacon Radio Club

Supervisor Pagones read (**copy attached to original minutes**) an e-mail from Donald Williams regarding the surplus radio donation recommending that the radios be donated to the Mount Beacon Radio Club.

**Motion** made by Councilman Ferguson **to donate the surplus radios to the Mount Beacon Radio Club as requested. Seconded** by Councilwoman Malvarosa

Discussion –

Councilman LaColla stated that the Mount Beacon Amateur Radio Club has been very generous with the radios they do receive; they have already donated some radios to the March of Dimes and the Walkway Over the Hudson for crowd control. What goes around comes around.

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

### Liquor License Renewal – Charlie Brown's Steakhouse

**Motion** made by Councilman Ferguson **to accept the liquor license renewal for Charlie Brown's Steakhouse. Seconded** by Councilwoman Malvarosa

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

### MOTION(s) TO ACCEPT RESIGNATION(S)

#### William Murnane – EAB

**Motion** made by Councilwoman Malvarosa **to accept the resignation of William Murnane from the Environmental Advisory Board.**

**Seconded** by Councilman LaColla

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

(**copy of resignation attached to original minutes**)

### Request for Unanimous Consent

Councilwoman Malvarosa stated there is an individual who is interested in the EAB as a member, Mr. Edward Ginsberg.

Paul Gromkowski stated he met with Mr. Ginsberg and he is interested in joining the EAB, he is semi retired, he teaches history at Dutchess Community College, he has lived in Dutchess County since 1967, he has been involved in real estate, and he is currently retired from real estate.

### Motion for unanimous consent

**Motion** made by Councilwoman Malvarosa **to approve the motion for unanimous consent to allow the appointment on the agenda.**

**Seconded** by Supervisor Pagones

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)  
Motion Carried 5-0

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Appointment of Mr. Ginsberg

**Motion** made by Councilwoman Malvarosa **to appoint Mr. Edward Ginsberg as an EAB member. Seconded** by Councilman Ferguson

Roll Call	Councilman Callahan	aye
	Councilman Ferguson	aye
	Councilman LaColla	aye
	Councilwoman Malvarosa	aye
	Supervisor Pagones	aye

Motion Carried

Stephen Rice – Recreation personnel

**Motion** made by Councilwoman Malvarosa **to accept the termination of Stephen Rice effective 03-28-2011 as submitted. Seconded** by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

**(copy attached to original minutes)**

**MOTION(s) TO APPOINT**

Jason Chin Chitty – In-School Recreation Program

**Motion** made by Councilwoman Malvarosa **to appoint Jason Chin Chitty effective 03-30-2011 In-school Recreation program pending on back ground check. Seconded** by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

**(copy attached to original minutes)**

**BUDGET TRANSFERS**

**Motion** made by Councilwoman Malvarosa **to approve budget transfers as submitted as follows:**

Police	\$30,000	purchase of 2011 4WD Ford Expedition and
associated		equipment

Building	\$5,000	to appropriate funds for publications and car
repair		

Parks	\$50,000	for labor and material for basketball and tennis
courts		

**(copies attached to original minutes)**

**Seconded** by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

**NEW and OLD BUSINESS**

Councilman LaColla

He stated there will be a little housekeeping to do.

1<sup>st</sup> item –

He stated that the town might have been a little quick in appointing Isabel as a ZBA member; apparently the town does not have in hand a letter of resignation so technically there is not an opening. However, if the town was to rescind that appointment and put her on as an alternate member, she could be seated in a case of an absence.

Ronald Blass stated that he had received a call on this and is looking into the whether an individual being critically ill who may or may not be able to sign a resignation, but verbally resigned, can be done. He will have an answer by Monday. It is possible there will be a vacancy as early as next week.

Supervisor Pagones asked Councilman LaColla if he wanted to tailor this one way or the other if that comes through, with a motion that Isabel will be seated as an alternate; however, if the opinion comes in regarding the resignation, she doesn't know when they will be meeting where they will need that vote to function.

Councilman LaColla stated the ZBA has no meetings in April and nothing in May and this is not critical. This can wait till the resignation is received and we will have another meeting before this becomes an issue.

2<sup>nd</sup> item –

He is expressing a little disappointment because he thought the board had an agreement to have monthly budget updates at the town board meetings. Obviously, it is not on the agenda.

Supervisor Pagones stated that the Munis system is being updated to get the quarterly reports and at the meetings, the board will entertain any discussion on the reports as they go forward. There is no need to have a special item on the agenda; it can be done right after the budget transfers. The reports will be provided to you on April 15<sup>th</sup>, by the comptroller, and any items that you look at for May would be available for discussion.

Councilwoman Malvarosa

May 14<sup>th</sup> there will be a Geering Park clean up day which is headed by high school, Tyler Brownell. The Town is working in conjunction with him. Tyler has a family history of being associated with Maurer-Geering Park and he wants to bring it back to full glory. There will be resurfacing of tennis courts and basketball courts, the big outfield will be a soccer field, there will be some painting being done, some weeding being done, and raking. Dog Show Off will be held on May 15<sup>th</sup>, 1pm – 4pm with rabies clinic and tags for park for the year.

Councilman Ferguson

nothing

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Councilman Callahan

He stated he has a niece who has Lyme Disease and he came across from the Department of Health about spraying yards for nothing if you become part of a study they are doing. He made copies and put in town clerk's office for anyone who wants to take one, they will be at the clerk's desk, and the more people get involved, the easier it will be to stop this disease.

Councilman Ferguson suggested putting it on the town website.

Supervisor Pagones stated that she felt it should be sent to all schools, all senior centers, and all service clubs.

**ADJOURNMENT**

**Motion** made by Councilwoman Malvarosa **to adjourn the meeting.**

**Seconded** by Councilman Ferguson

Pagones (aye), Callahan (aye), Ferguson (aye), LaColla (aye), Malvarosa (aye)

Motion Carried 5-0

Meeting adjourned at 10:33am

Respectfully submitted,

Darlene Bellis,  
Town Clerk